

Senate File 2373 - Reprinted

SENATE FILE _____
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SF 2098)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the certification and registration of real
2 estate appraisers and providing a penalty and an effective
3 date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 SF 2373
6 jr/cc/26

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1 1 Section 1. NEW SECTION. 543D.3A REGISTRATION OF
1 2 UNCERTIFIED REAL ESTATE APPRAISERS REQUIRED.
1 3 1. REGISTRATION. A person who is engaged in the business
1 4 or acting in the capacity of a real estate appraiser for
1 5 compensation within this state and who does not hold an
1 6 unexpired certificate as a certified real estate appraiser
1 7 pursuant to this chapter or is not working as an associate
1 8 real estate appraiser shall register biennially with the
1 9 board. The board shall maintain a separate registry of the
1 10 names and addresses of the uncertified appraisers who register
1 11 with the board pursuant to this section.
1 12 2. INELIGIBILITY. A person shall not be eligible to
1 13 register as an uncertified appraiser, except upon such
1 14 conditions as the board may specify by rule or order, if the
1 15 person has been issued a certificate under this chapter and
1 16 the board, in connection with a disciplinary investigation or
1 17 proceeding, has suspended, revoked, or otherwise imposed
1 18 discipline against, or refused to renew or accepted the
1 19 voluntary surrender of the certificate.
1 20 3. EXEMPTIONS. This section shall not apply to any of the
1 21 following:
1 22 a. An individual licensed under chapter 543B.
1 23 b. An individual registered under chapter 535B.
1 24 c. An individual who provides administrative services to a
1 25 certified real estate appraiser, such as taking photographs,
1 26 preparing charts, or typing reports, who is not an associate
1 27 real estate appraiser and who does not provide any assistance
1 28 in developing the analysis, valuation, opinions, or
1 29 conclusions associated with the appraisal assignment.
1 30 d. An employee of any of the following, so long as the
1 31 employee does not provide appraisal services or complete an
1 32 appraisal assignment for any person other than the person's
1 33 employer unless the person is in compliance with this section:
1 34 (1) The federal government.
1 35 (2) The state, or any agency, department, or political
2 1 subdivision of the state, except as provided for an employee
2 2 of the state department of transportation pursuant to section
2 3 543D.3.
2 4 (3) A financial institution as defined in section 527.2.
2 5 (4) An insurance company authorized to transact the
2 6 business of insurance in this state.
2 7 (5) A licensee or registrant under chapter 535B, 536, or
2 8 536A.
2 9 e. An individual who holds an unexpired certificate or
2 10 license to practice as a real estate appraiser under the laws
2 11 of another jurisdiction who acts in compliance with board
2 12 rules on temporary practice or who otherwise acts in
2 13 conformance with federal laws or regulations governing the
2 14 cross-jurisdictional practice of certified or licensed real
2 15 estate appraisers.
2 16 4. The board shall establish and collect fees for the
2 17 registration of uncertified real estate appraisers, in an

2 18 amount not to exceed twenty=five dollars biennially.
2 19 5. UNLAWFUL ACTS, INJUNCTIONS, AND CIVIL PENALTIES.
2 20 a. The board may investigate complaints or initiate
2 21 complaints against uncertified real estate appraisers and in
2 22 connection with such complaints or investigations may issue
2 23 subpoenas to compel witnesses to testify or persons to produce
2 24 evidence consistent with the provisions of section 272C.6,
2 25 subsection 3, as needed to determine whether probable cause
2 26 exists to initiate proceedings under this section or to make
2 27 application to the district court for an order enjoining
2 28 violations of this section.
2 29 b. If as a result of an investigation the board believes
2 30 that an uncertified real estate appraiser has engaged, or is
2 31 about to engage, in an act or practice which constitutes a
2 32 violation of this section, the board may make application to
2 33 the district court for an order enjoining such act or
2 34 practice. Upon a showing by the board that such uncertified
2 35 real estate appraiser has engaged, or is about to engage, in
3 1 any such act or practice, an injunction, restraining order, or
3 2 other order as may be appropriate shall be granted by the
3 3 court.
3 4 c. In addition to or as an alternative to making
3 5 application to the district court for an injunction, the board
3 6 may issue an order to an uncertified real estate appraiser to
3 7 require compliance with this section and may impose a civil
3 8 penalty against such person for any violation of this section
3 9 in an amount up to one thousand dollars for each violation.
3 10 All civil penalties collected pursuant to this subsection
3 11 shall be deposited in the housing trust fund created in
3 12 section 16.181. An order issued pursuant to this section may
3 13 prohibit a person from registering under this section if the
3 14 person has engaged in willful or repeated violations of this
3 15 chapter.
3 16 d. The board may impose civil penalties against an
3 17 uncertified real estate appraiser for engaging in any of the
3 18 following acts or practices, all of which are unlawful acts
3 19 under this section:
3 20 (1) A violation of subsection 1.
3 21 (2) A violation of section 543D.15.
3 22 (3) Acting with bias while involved in valuation
3 23 assignments in real property appraisal practice.
3 24 Sec. 2. Section 543D.17, subsection 1, paragraph f, Code
3 25 2005, is amended to read as follows:
3 26 f. Negligence, or incompetence, or bias in developing an
3 27 appraisal, in preparing an appraisal report, or in
3 28 communicating an appraisal.
3 29 Sec. 3. EFFECTIVE DATE. This Act takes effect January 1,
3 30 2007.
3 31 SF 2373
3 32 jr/cc/26